

Federal Lobbying Disclosure Act Frequently Asked Questions

1. What is lobbying?

Lobbying is an individual staff member of any of the universities in the University of Missouri System or group of staff members attempting to persuade or influence federal legislators or federal employees in the present or for future purposes to propose, pass or defeat legislation; to change existing law or federal policy directly or indirectly on behalf of or for any of the universities in the University of Missouri System; or advocating a position or policy while in their capacity with any universities in the University of Missouri System. *This type of advocacy includes asking or relaying information to these individuals to: take a certain position on legislation, or to fund earmarks or program requests. Such advocacy also includes: e-mailing, writing or calling certain federal employees of the executive branch, congressional staff, or members of Congress with an attempt to persuade or advocate for a university position, department or program within any of the universities in the University of Missouri System.*

Example: A University of Missouri-Rolla dean attends an association's conference in Washington, D.C. As part of that conference, the dean goes to Capitol Hill with other members of the association to visit members of Congress and their staff. During these visits, the dean talks about the need for increased funding and how it will impact Missouri S&T and all other science-focused universities. This is lobbying.

Example: A congressional staffer requests a visit to the University of Missouri-Kansas City to talk about the progress of research happening in the Department of Dentistry, for which the staffer has previously helped secure funding. During the visit, the staffer is told of the research project progress, the next steps for funding and other federally-requested UMKC projects. This is lobbying.

Example: A member of Congress requests a meeting with a professor in the law school to talk about the potential ramifications of a controversial tax bill. The professor creates and sends several briefings and goes to the local congressional office to have two phone conferences with the member of Congress and his or her congressional staff. There is no discussion of funding, university policy or attempts to persuade the member of Congress to vote a certain way. This contact is educational because there is no attempt directly or indirectly to influence or persuade on behalf of the university. This is *not* lobbying.

Example: A professor with University of Missouri Extension goes to Washington, D.C. for a conference. Independent of the conference, the professor makes appointments with congressional offices to talk to Hill staff about the UM extension nutrition program. Although the professor does not ask for something specific at that time, he leaves a folder containing information on extension and his business card. This is lobbying.

Example: University of Missouri Health Care writes a letter to Administrator Weems at the Centers for Medicare and Medicaid Services citing concerns with a proposed Medicare reimbursement rule. This contact is lobbying.

2. What federal agencies and contacts need to be reported?

If you proactively speak to or have contact with the president, vice president, member of Congress or any staff member of these elected officials, these meetings need to be reported both in nature of what you discuss and all costs associated with the meeting. If you engage in any meeting with a federal employee of the executive branch whose position is contained on the executive schedule; any member of the uniformed services grade 0-7 or above; or a Schedule C employee, who is identified as employees in positions of confidential policy-determining, policy-making or policy-advocating decisions, you need to report these meetings. Please see the Government Relations Website for the **alphabetical listing** of federal agencies within the executive branch that require reporting, the link to the executive schedule, the uniformed services schedule and the definition of Schedule C employees. Contacts and the nature of the advocacy with these federal employees will need to be reported.

Example: A Missouri S&T researcher routinely calls and e-mails her project director with the Department of Defense. Additionally, the project director comes to Rolla to view the professor's progress on defense-funded research. This contact **does not require** reporting because the federal employee is not retained by the agency at a level that requires reporting.

Example: A professor meets with the deputy counsel for the assistant secretary for water and science within the Department of the Interior in Washington D.C. to talk about a prospective water project. This contact should be reported because the federal employee is retained by the agency at a level that requires reporting. The individual is an appointee and has broad policy-making authority within the Department of Interior.

3. Will my name be listed as a lobbyist on the lobby disclosure form?

At this time, the University is **not** required to list individual university staff members who make contact with members of Congress, congressional staff or federal employees of the executive branch on behalf of any of the universities in the University of Missouri System as long as the staff member spends less than 20 percent of his or her time engaging in advocacy for the university and its programs. The federal lobbyist for the university system is Sarah Martin. The lobbying disclosure report will list her as the lobbyist. However, the University of Missouri System does need to report the costs associated with all lobbying in the aggregate to the federal government.

4. Will there be individual expenses listed on the lobby disclosure form?

At this time the University is **not** required to list individual expenses incurred from contacts with members of Congress, congressional staff or federal employees of the executive branch. The university will report one lump sum for all expenses incurred with contacts made with the above individuals. However, in order to provide background information, should we be asked by the clerk of the House of Representatives, the secretary of the Senate or a newspaper for a Sunshine Law request, the university will need to be able to show how, in good faith, the reported figure was determined.

Example: If a university staff member goes to Washington, D.C. for a five-day conference and while in Washington visits two executive branch departments for meetings one day and has dinner with a member of Congress and Hill staffers another evening, all costs associated with the visits to the executive branch and the dinner (cost of the airfare, at least one night's hotel, taxis, dinner with the staffer, lunch between executive branch visits) must be reported.

5. Can I use non-state dollars (such as grants, gifts, etc.) for contact with congressional members, their staff or federal agencies?

Yes. In order to comply with House of Representatives and Senate rules, state universities are allowed extended contacts with members of Congress and congressional staff in order to provide refreshments, food or gifts (pens, pencils, door stops, paperweights, etc). However, the university *must* use only university funds in relation to these contacts (see below definitions of university funds). This exemption was granted only to state and local governments and state-funded institutions because these entities are subject to Sunshine Law requests. Privately-funded universities are not allowed to purchase or give members of Congress and congressional staff anything other than informational “leave-behind” materials. The university falls under the state government exemption within House of Representatives rules (Rule 25) and Senate rules (Rule 35). Moreover, if there is any indication that the monies used or gifts given are not from state funds, the member of Congress or congressional staffer is required to refuse the meal, gift, leave behind, etc. Members of Congress and Congressional staff may not accept a gift from a government agency when the gift was donated to the agency by a third party and the agency is merely acting as a conduit.

University of Missouri Funds

- All funds reported in the University of Missouri audited financial statements are considered University of Missouri funds with the exception of those funds held for others.
- All University of Missouri funds follow spending policies outlined in the University of Missouri Collected Rules and the University of Missouri Business Policy Manual.
- Some University of Missouri funds are restricted in use by third parties such as donors, trust agreements, agency agreements, contracts and other agreements. All expenditures from restricted funds must be in compliance with third party restrictions.
- Agency funds and foundation funds are not considered University of Missouri funds and are examples of funds held for others.

6. What if I travel to Washington, D.C. on behalf of an organization. Do I need to report those expenses?

Yes, if contact was made with a member of Congress, congressional staff member or a federal employee of the executive branch retained at a level that requires reporting *and* you discussed university business that would **constitute lobbying**, you need to report the expenses. (Please see FAQ 1 for what constitutes lobbying.) If contact was made and you discussed university business with a member of Congress, congressional staff member or a federal employee at a level that requires disclosure, you will need to report your airfare, at least one night's hotel stay and meals for the date contact was made. If contact was made and university business was discussed, you will need to report more than one night of hotel stay and multiple meal expenses. The remaining expenses incurred during the individual's trip to Washington would not need to be reported because those expenses (the cost of attendance to the seminars, etc) would be covered by the association holding the event. Even if the organization reports the total costs of your trip, there is no federal prohibition against double reporting, and all costs associated with lobbying for the university need to be reported and attributed to the University.

7. What if I lobby outside of Washington, D.C. on behalf of an organization or the university. Do I need to report those expenses?

Yes, the reporting requirement also pertains to visits by federal employees with you at the campus. If an executive branch employee who would otherwise require reporting, member of Congress or congressional staffer comes to one of the campuses and is shown earmark project requests or is told about the university's need for funding for specific projects or general accounts, this is considered lobbying. Any costs associated with the visit, including money spent on food or gifts have to be reported.

Example: A University of Missouri-St. Louis staff member invites a local congressional staffer based in St. Louis to see the Express Scripts building with the intent to foster a relationship in order to ask for funding at a later time. During this time the federal employee is given lunch. This contact is lobbying and the costs and topic need to be reported.

Example: A congressional staffer based in Washington, D.C. requests a visit to UMKC to talk about the progress of research in the Dental School, for which the staffer has previously helped secure funding. The discussion is focused completely on the progress of the research project, but the staffer is told about new initiatives with UMKC. The Hill staffer spends a few hours at the campus and is given a plush tooth-shaped toy with "UMKC School of Dentistry" printed on it. This contact is lobbying and the cost of the toy needs to be reported.